

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 04-0319 WHA

Plaintiff,

v.

**ORDER RE PROPER VENUE  
FOR PENDING MOTION**

SALVADOR SANDOVAL-OCHOA,

Defendant.

Defendant was originally sentenced by the undersigned judge for illegal entry. Defendant served time, was deported, and then re-entered the country. He was convicted of illegal entry once again, this time in Utah. Recently, he made a motion for appointment of counsel to the District Court of Utah. The Clerk of that court forwarded the request here because the original conviction occurred in this district.

The Court requested the views of the Federal Public Defender as to defendant's pending application for appointment of counsel. The Federal Public Defender filed a response, which pointed out that defendant was not subject to any sentencing enhancements in this district but that the "33-month sentence in his District of Utah case number 15-00037-DN, however, could be the result of an offense-level enhancement" (Dkt. No. 43). The Federal Public Defender noted that a return transfer would most likely "reflect Mr. Sandoval-Ochoa's intent to attack his District of Utah section 1326 judgment." The Federal Public Defender further stated:


Undersigned counsel contacted the Office of the Federal Public Defender for the District of Utah regarding Mr. Sandoval-Ochoa's filing. The office is aware of the filing, and undersigned counsel

1 understands the Office is taking steps regarding Mr. Sandoval-  
2 Ochoa's representation.

3 This order concludes that defendant intended to attack the sentence imposed by the  
4 District Court of Utah. The pending motion should have been docketed in Case Number 15-  
5 00037-DN in that court. The **CLERK SHALL PLEASE MAIL** a copy of this order along with the  
6 pending motion and its attachments to the Clerk of the District Court of Utah.

7  
8 **IT IS SO ORDERED.**

9 Dated: October 6, 2016.

10   
11 WILLIAM ALSUP  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28